

IN THE CLAIMS:

Please amend the claims as follows:

1. (currently amended) A cap and utensil assembly, comprising:
a cap having a cap top with an inner surface having at least a contact area, and having at least one upwardly standing sidewall adjacent to the cap top, said sidewall having an inner surface;

a rib structure on the inner surface of the sidewall defining a first plane; and
a one-piece rigid utensil comprising a cup portion and a handle, the cup portion having an enclosed volume and a depth greater than its width, the cup portion having a curved sidewall integral its distal end, the handle being substantially thinner than the width of the cup portion and having a first portion and a second portion substantially perpendicular to the first portion with a curved distal end, the utensil with a scoop portion and having points of contact consisting essentially of a first point being a line contact between the curved sidewall of the cup portion and the rib structure, a and second points-point being a line of contact between the curved distal end of the handle and with the rib structure and at least partially along an axis of symmetry of the utensil and a third point of contact between the cup portion and on the contact area of the cap top at least partially within a contact-second plane through the axis of symmetry, the contact-second plane being substantially perpendicular to a third plane of the inner surface of the cap top and different from the first plane of the rib;

wherein the three-points of contact ensure that the utensil is securely held within the cap, and yet is readily removable therefrom.

2. (currently amended) The ~~cap/utensil combination~~ cap and utensil assembly according to claim 1, wherein the rib structure is a continuous rib on the inner surface of the sidewall.

3. (currently amended) The cap and utensil assembly ~~cap/utensil combination~~

Serial No. 10/642,810

according to claim 2, wherein the rib structure is spaced a predetermined distance from the inner surface of the cap top.

4. (currently amended) ~~The cap and utensil assembly~~ cap/utensil combination according to claim 1, wherein the ~~rib structure has a plurality of rib segments on the inner surface of the sidewall.~~ cup portion has an opening in a plane perpendicular to the cap top.

5. (currently amended) ~~The cap and utensil assembly~~ cap and utensil assembly combination according to claim ~~14,~~ wherein the line contact between the curved sidewall of the cup portion and the rib structure is substantially longer than line contact between the curved distal end of the handle and the rib structure. ~~the rib structure is spaced a predetermined distance from the inner surface of the cap top.~~

6. (currently amended) ~~The cap and utensil assembly~~ cap and utensil assembly according to claim ~~15,~~ wherein the line contact between the curved sidewall of the cup portion and the rib structure extends along the entire depth of the cup portion and the line contact between the curved distal end of the handle and the rib structure extends along the entire length of the curved distal end. ~~wherein the utensil is a scoop having a handle with first and second ends, and a material section with first and second ends, the second end of the handle being attached to the second end of the material section, wherein the first end of the handle, which is substantially opposed from the second end of the handle, is engageable with the rib structure at the first point of contact, and wherein the first end of the material section, which is substantially opposed from the second end of the material section, is engageable with the rib structure at the second point of contact, which is located substantially opposite the location of the first point of contact.~~

7. (currently amended) ~~The cap and utensil assembly~~ cap and utensil assembly according to claim ~~16,~~ wherein the inner surface of the cap top is substantially flat with no extensions. ~~material section has an open top portion, and wherein the open top portion of the utensil contacts the contact area on the inner surface of the cap top at the third point of contact.~~

Serial No. 10/642,810

8. (cancelled)

9. (currently amended) ~~The cap/utensil combination~~cap and utensil assembly according to claim 1, wherein the ~~material cup portion section~~ of the utensil has a substantially oval cross-sectional configuration.

10. (currently amended) ~~The cap/utensil combination~~cap and utensil assembly according to claim 1, wherein the ~~material section~~cup portion of the utensil has a substantially square cross-sectional configuration.

11. (currently amended) ~~The cap/utensil combination~~cap and utensil assembly according to claim 1, wherein the ~~material section~~cup portion of the utensil has a spout.

12-20. (cancelled)